

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EUGENE MASON,

X

Civil Action No.: 1:19-cv-08364-DLC

Plaintiff,

-against-

AMTRUST FINANCIAL SERVICES, INC. and  
DAVID LEWIS,

Defendants.

X

**AFFIRMATION OF  
WILLIAM E. VITA, ESQ.  
IN SUPPORT OF MOTION TO  
DISMISS PLAINTIFF'S  
AMENDED COMPLAINT IN  
LIEU OF AN ANSWER**

**WILLIAM E. VITA** affirms the following under penalty of perjury.

1. I am a partner in the law firm of Westerman Ball Ederer Miller Zucker & Sharfstein, LLP.
2. I am an attorney for Defendants AmTrust Financial Services, Inc. ("AmTrust") and David Lewis ("Lewis") (together, the "Defendants") and I am familiar with the above-captioned case.
3. I am admitted to appear before the United States District Court for the Southern District of New York.
4. I respectfully submit this Affirmation supporting the Defendants' motion to dismiss the Amended Complaint, in lieu of an answer, pursuant to F.R.C.P. 12(b)(6), as explained more in full in the accompanying memorandum of law.
5. Attached as **Exhibit A**, is, upon and information and belief, a true and accurate copy of Plaintiff's email to David Lewis, dated October 7, 2013.
6. Attached as **Exhibit B**, is, upon and information and belief, a true and accurate copy of the Offer of Employment, dated September 26, 2013.
7. Attached as **Exhibit C**, is, upon and information and belief, a true and accurate copy of the Confidentiality and Proprietary Rights Agreement ("CPRA").

8. This motion is made within the time permitted by the Court's Order dated October 3, 2019. (Dkt. 16.)

**WHEREFORE**, for the reasons stated above and in the accompanying memorandum of law, Defendants respectfully request that this Court grant this Motion to Dismiss, enter an Order dismissing Counts I through IV of Plaintiff's Complaint, with prejudice, against AmTrust and dismissing all Counts of Plaintiff's Amended Complaint, with prejudice, against Mr. Lewis and grant any and all other relief the Court may deem just and proper.

Dated: Uniondale, New York  
November 7, 2019

/s/ William E. Vita  
WILLIAM E. VITA

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